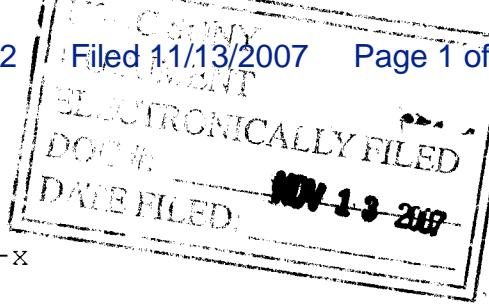


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

- v. -

OSVALDO MORALES,

Defendant.

:
INFORMATION
:
07 Cr. (SAS)

07 CRIM 1037

COUNT ONE

The United States Attorney charges:

Background

1. On or about May 16, 2007, in the Southern District of New York, OSVALDO MORALES, the defendant, met with special agents of the Federal Bureau of Investigation ("FBI"). During that meeting, MORALES made the following statements, among others:

a. MORALES had been acquainted for the previous three years with a family of Middle Eastern heritage (the "Family"). MORALES had performed a variety of tasks and small jobs for members of the Family.

b. In or about April or May 2006, MORALES was asked by a member of the Family ("F-1") to drive a vehicle for F-1 in exchange for compensation. Agreeing, MORALES drove the vehicle, an Astro Van, in the Bronx, New York, with two passengers: F-1 and a woman of Arab descent who was also a member of the Family ("F-2"). MORALES observed F-2 exit the Astro Van

and hand a bag to the driver of another vehicle. F-1 told MORALES that the bag contained \$150,000. The driver of the other vehicle then unloaded from the other vehicle, and loaded into the Astro Van, military-style crates. MORALES then drove the Astro Van to a restaurant owned by the Family, where the crates were unloaded. MORALES was paid \$30,000 in cash for his services. Several days later, F-1 showed MORALES what appeared to be a grenade. MORALES asked F-1 whether grenades were the items inside the crates that had been transported in the Astro Van, to which F-1 responded, "What do you think?"

c. On or about April 1, 2007, while MORALES was preparing for a trip to Puerto Rico, a member of the Family ("F-3") asked MORALES whether he would be willing to take pictures of John F. Kennedy International Airport and to look for weaknesses in the airport's security.

d. The Family owns three "safe houses" that are used to store guns and other weapons. MORALES saw AK-47s and Uzi machine guns at these safe houses.

2. From on or about June 19, 2007 through on or about June 20, 2007, OSVALDO MORALES, the defendant, again met with special agents of the FBI regarding purportedly imminent activities planned by the Family. Among other things, MORALES falsely told agents that he had been asked by a member of the Family ("F-4") to transport onto a Metro-North Railroad train an item that MORALES believed to be an explosive device. MORALES

falsely told agents that he had seen the item, that it had been placed in a bag, and that it was currently in a closet in a restaurant associated with the Family. MORALES thereafter made a telephone call to F-4, which was monitored by law enforcement with MORALES's consent, during which MORALES made statements to F-4 intended by MORALES to appear related to the request regarding the Metro-North Railroad train. (Among other things, MORALES asked about "the bag," and asked how they were going to "do it.")

Statutory Allegation

3. From on or about June 19, 2007 up to and including on or about June 20, 2007, in the Southern District of New York and elsewhere, OSVALDO MORALES, the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit, an international and domestic terrorism investigation being conducted by the FBI, unlawfully, willfully and knowingly made materially false, fictitious, and fraudulent statements and representations, to wit, MORALES made the following false statements to special agents of the FBI:

a. On or about June 18, 2007, MORALES met with F-4 at a restaurant in the Bronx (the "First Restaurant"). F-4 showed MORALES a clear plexiglass cylinder, approximately 12 inches in length, with metal end caps, that was filled with a green liquid (the "Cylinder"). F-4 asked MORALES to plant the Cylinder onto a Metro-North Railroad train in exchange for

\$30,000. Specifically, F-4 asked MORALES to board a train with the Cylinder at the Fordham University station in the Bronx, leave the Cylinder on the train, and exit the train at the next stop. F-4 further explained that someone would pick up MORALES at the 233rd Street Station and he would be paid. Following this conversation, MORALES saw the Cylinder placed into a bag. MORALES surmised that the Cylinder was an explosive device.

b. On or about June 19, 2007, MORALES, F-4 and others drove to a second restaurant in the Bronx (the "Second Restaurant"). MORALES saw F-4 carrying what appeared to be the same bag MORALES had seen the previous day (into which the Cylinder was placed) and saw it placed in a closet in the Second Restaurant.

(Title 18, United States Code, Sections 1001(a).)



MICHAEL J. GARCIA
United States Attorney

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